



Charles L.A. Terreni
Chief Clerk/Administrator

The Public Service Commission State of South Carolina

220542
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Posted: too
Dept: S.A.
Date: 12/2/09
Time: 9:45

November 30, 2009

The Honorable Leon Joe Howard
2425 Barhamville Road
Columbia, South Carolina 29204

Re: Application of TracFone Wireless, Incorporated for Designation as an Eligible Telecommunications Carrier in the State of South Carolina for the Limited Purpose of Offering Lifeline and Link Up Service to Qualified Households, Docket No. 2009-144-C.

Dear Representative Howard:

Thank you for your letter dated November 10, 2009 regarding the Commission's recent decision to deny TracFone Wireless's application for designation as an Eligible Telecommunications Carrier under Section 214(e)(2) of the Federal Communications Act. We have posted your comments to the docket in this case, and made them available to all of the parties. Because the case is still pending, the Commission is not able to comment on the decision. However, I have enclosed with this letter a copy of the Commission's directive, which memorializes the Commission's vote and reasoning for denying the application. I would also point out that, while the Commission voted on the application on October 15, 2009, the order has yet to be issued, and the time during which the parties may move for reconsideration has yet to begin running. Therefore, the Commission is still in a position to consider any new proposals that the parties may have regarding this application.

I hope that you will find this information helpful. Please let me know if I may be of further assistance.

With best wishes, I am,

Sincerely yours,

Charles L.A. Terreni

RECEIVED
DEC 01 2009
PSC SC
DOCKETING DEPT.

cc: C. Lessie Hammonds, Esquire
Nanette S. Edwards, Esquire
D. Larry Kristinik, Esquire
Debra McGuire Mercer, Esquire
Jeremy C. Hodges, Esquire
Mitchell F. Brecher, Esquire
Public Utilities Review Committee

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER	<input type="checkbox"/>	DATE	<u>October 15, 2009</u>
MOTOR CARRIER MATTER	<input type="checkbox"/>	DOCKET NO.	<u>2009-144-C</u>
UTILITIES MATTER	<input checked="" type="checkbox"/>	ORDER NO.	<u></u>

SUBJECT:

DOCKET NO. 2009-144-C - Application of TracFone Wireless, Incorporated for Designation as an Eligible Telecommunications Carrier in the State of South Carolina for the Limited Purpose of Offering Lifeline and Link Up Service to Qualified Households - A Hearing was Held on September 3, 2009. Discuss this Matter with the Commission.

COMMISSION ACTION:

TracFone has made it clear in its filings before the Commission and at the hearing held on September 3 that it does not believe it should be required to contribute to the state universal service fund (USF), and that if the Commission held that the Company would be required to make state USF contributions as a condition of being granted ETC designation, it would elect not to offer Lifeline and Link Up service in this state. This Commission currently requires other wireless carriers designated as ETCs to contribute to the State USF. These other wireless carriers would be placed at a competitive disadvantage if we were to allow TracFone to obtain ETC designation without requiring TracFone to contribute likewise. Commission Regulation 103-690 allows us to impose such regulations on ETC applicants as shall be in the public interest. Additionally, we are charged under Sections 214 and 254 of the Federal Telecommunications Act to determine whether an ETC designation is consistent with the public interest, convenience and necessity. I do not believe it would be in the public interest to grant TracFone the ETC designation it seeks without requiring the Company to contribute to the State USF. The purpose of the State USF is to facilitate the offering of telephone service to all of the people of South Carolina, even in areas where it might otherwise be economically infeasible to offer telephone service. It is in the public interest that we ensure adequate levels of funding for the State USF. I therefore move that we deny TracFone's petition for ETC designation to offer Lifeline and Link Up service.

PRESIDING: FlemingSESSION: RegularTIME: 2:30 p.m.

	MOTION	YES	NO	OTHER
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HAMILTON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Absent</u> Annual Leave
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
MITCHELL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WHITFIELD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WRIGHT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

2009-144.c 220286

Leon Joe Howard
District No. 76 - Richland County
2425 Barhamville Road
Columbia, SC 29204



425 Blatt Building
Columbia, SC 29211
Tel. (803) 734-3046

Committees:
Medical, Military, Public and
Municipal Affairs, Chairman

House of Representatives

State of South Carolina

November 10, 2009

Mr. Charles Terreni
Chef Clerk and Administrator
Public Service Commission of SC
101 Executive Center Dr., Ste. 100
Columbia, SC 29210

Dear Mr. Terreni:

I was disappointed to hear that the South Carolina Public Service Commission (PSC) recently denied TracFone Wireless' request to provide free cellular telephones and service to poor citizens of South Carolina through the federal Lifeline program. Many thousands of eligible people in our state need more wireless access and telephones. TracFone was poised to bring this federal program to them. This is a service that costs South Carolina nothing and provides a critical communication amenity to those afflicted by poverty. Many of these people are handicapped, infirmed, aged and/or without the means to get cellular telephone service.

Ninety percent of this state's low income households do not currently receive Lifeline benefits. If they could be brought into service, the millions of federal dollars tapped would be a tremendous financial benefit for South Carolina. I need not iterate the state of the economy and how tough times are for so many of our citizens.

I hope that the PSC will see fit to accommodate this need and expand access to wireless telephones and service for low income South Carolinians. TracFone is a well-known national provider who can commit significant resources to providing this service for needy households in our state. The company has launched the services successfully all over the country. I would like to see the PSC reconsider how they can broker a solution here in South Carolina that increases critical access for our citizens while capturing the federal dollars the Lifeline program offers.

Sincerely,

A handwritten signature in cursive script that reads "Leon Howard".

Leon Howard

cc: Mr. C. Dukes Scott, Exec. Director, S.C. Office of Regulatory Staff, and
Members of Public Utilities Review Committee